

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                  v.                                ) CRIMINAL NO. 04-30004-MAP  
  )  
ROOSEVELT ARCHIE,                            )  
Defendant.                                     )

**GOVERNMENT'S MOTION TO DISMISS COUNT THREE**

(Assented to)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Paul Hart Smyth, Assistant United States Attorney, hereby files this motion to dismiss Count Three of the above-captioned Indictment pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. As grounds, the Government States that the undersigned Assistant U.S. Attorney misstated the potential minimum mandatory sentence required by Count Three during the Defendant's Rule 11 Hearing. The Government will file a memorandum in support of this motion, outlining both my error in the context of the plea colloquy, and the potential consequences that arose from the mistake.

Filed this 26th day of January, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul Hart Smyth

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Paul Hart Smyth  
Assistant U.S. Attorney

Dated: January 26, 2007

CERTIFICATE OF SERVICE

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Paul Hart Smyth

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Paul Hart Smyth  
Assistant United States Attorney